

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 5, 2011

Lyle W. Cayce
Clerk

No. 09-11219
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee

v.

TRINITY M. WILLIS,

Defendant–Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:07–CR–33–1

Before JOLLY, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

Trinity M. Willis, federal prisoner # 34722-177, challenges the district court’s denial of his motion to reduce his sentence based on recent amendments to the Sentencing Guidelines. *See* 18 U.S.C. § 3582(c)(2). Willis did not file a notice of appeal within the period set forth in Rule 4(b)(1) of the Federal Rules of Appellate Procedure. Previously, we construed Willis’s late notice of appeal as a motion for an extension of time in which to file an appeal, and we remanded this case to the district court for a determination of whether Willis’s untimely

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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filing was due to excusable neglect or good cause. On remand, the district court found that Willis's motion for an extension was not timely, as Rule 4(b)(4) allows a district court to extend the appeal period no more than 30 days beyond the original deadline for filing a notice of appeal upon a showing of excusable neglect or good cause and, here, Willis's motion was filed well outside the 30-day window. *See* FED. R. APP. P. 4(b).

Because Willis did not file a timely notice of appeal or motion for an extension, the district court did not err in enforcing the time limitations set forth in Rule 4(b), and we may not reverse its decision to do so. *See United States v. Leijano-Cruz*, 473 F.3d 571, 574 (5th Cir. 2006); *United States v. Torres-Jacinto*, 300 F. App'x 292 (5th Cir. 2008). The instant appeal is DISMISSED.